

OFFICE OF THE ATTORNEY GENERAL OF TEXAS AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Bonorable Earbert C. Silson Assistant Executive Director State Department of Public Welfare Austin 3, Texas

Dear Siri

Opinion No. 0:0660
Re: Interpretation of denote Bills
Noc. 517 and 510, Regular 3ession-forty-ainth Decisionre,
esterning appropriations for
various divisions of the 3 tate
Department of Public Folfare.

Your recent letter reade se follows:

Regular Seasion, was approved by the Governor on May 24, 1945, and among other things provided for the allocation and transference out of som mulated and unappropriated belances in the 'Children's Assistance Fund' One Rundred Thousand (\$100,000.00) Dellars for each Miscel feet in the biennium beginning September 1, 1845, said sum to be deposited in and credited to the 'Dhild Selfare Service Fund.'

"Seesion 4 of Conete Bill 319 provides as fol-

epproprieted shall be set aside for the purposes bereik or etherwise provided, and all remaining unallocated and unappropriated belances now in the "Children's Assistance Pund" shall be transferred from this fund to the "General Revenue Pund".

"Senete Bill 317, which is the executive and administrative departmental appropriation Mill, was passed by both the Bouse and Samete, and it is our understanding that it is still swelting the covernor's signature; however, in the itemized

appropriation for the State Department of Public Relfare, there is set up a State Institution Division, and Senate Bill 317 provides for a total expenditure in the State Institution Division of Twenty Two Thousand Seven Hundred and Thirty Five (\$22,735.00) Dellars per annum for the ensuing biennium, said amount to be paid out of the 'Children's Assistance Fund'.

"At this time, there is approximately Seven Mundred Thousand (\$700,000) Dellars in the Children's Assistance Fund which because of Constitutional limitations could not be used for the Aid to Dependent Children program. One Mundred Thousand (\$100,000) Dellars for each fiscal year of the biennium beginning September 1, 1945 was allocated to the Child Selfare Service Fund and appropriated for child welfare services.

"Section 4 of Genete Bill 319 specifies lly sets eside the sum of One Hundred Thousand (2100,000) Dollars for each fiscal year of the biennium for child welfare services and also sets aside;

- shell be set eside for the purposes herein or otherwise provided. . . (Underscoring supplied)
- "(1.) Can the State Department of Public Welfere construe the section of Senste Bill 317, providing for the Institution Division, to mean that the expenditure authorized under this bill can be paid out of the belances on hand in the 'Children's Assistance Fund' rether than out of the current appropriation for the ensuing biennium for the Aid to Dependent Children Division of the Department of Public Welfere?
- "(2.) Can the Comptroller set saids the amount appropriated for the Institution Division to be paid out of the Children's Assistance Fund in accordance with Section 4 of Senate Bill 519 before transferring the belances to the General Revenue Fund?

. . .

Bonorable Herbert C. Milson, Page 3

Our courts have uniformly held that the intention of the legislature as to a law is to be determined primarily from the plain and ordinary import of the language used; Harris County v. Smith (C. A.), 187 S. W. 701. Thus where a statute is plain and unambiguous, it will be enforced according to its words. Anderson v. Fenix, 138 Tex. 596, 161 S. W. 24 455.

Senste Bill 319, Section 4, specifically authorizes withdrawels from the Children's Assistance Fund of "any sums . . . appropriated hereis or otherwise provided" before transfer to the General Revenue Fund.

Asswering your questions: It is our opinion that the expenditure authorized under Benste Bill No. 517 should be peid out of the belance on hand in the "Children's Assistance Fund". Further, that the Comptroller should set eside the amount appropriated for the State Institution Division out of the Children's Assistance Fund before transferring the belances to the Ceneral Sevenue Fund.

Yours very truly

OFNEY CENERAL OF TELES

Fy

David .untoh Assistant

DATED

